

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EVELYN CINTRON, :
Plaintiff :
 :
v. :
CITY OF PHILADELPHIA; THE :
PHILADELPHIA POLICE ATHLETIC :
LEAGUE and JOSEPH SULLIVAN, :
Defendants: NO. 19-4078

- - -

Friday, November 15, 2024

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Oral deposition of WILLIAM RIGHTER,
held in the offices of Magna Legal Services, 1635
Market Street, 8th Floor, Philadelphia, Pennsylvania
19102, at 8:50 a.m., on the above date, before
GIANNA IACONELLI, a Court Reporter and Notary Public
of the Commonwealth of Pennsylvania.

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1 I N D E X

2 TESTIMONY OF: PAGE NO.
3 WILLIAM RIGHTER

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7 E X H I B I T S

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20 None

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1 (It is hereby stipulated and agreed
2 by and among counsel for the respective parties that
3 reading, signing, sealing, certification, and filing
4 are waived; and that all objections, except as to
5 the form of the question, are reserved until the
6 time of trial.)

7 - - -

8 WILLIAM RIGHTER, after having been
9 first duly sworn, was examined and testified as
10 follows:

11 - - -

12 EXAMINATION

13 - - -

14 MR. DELEON: Mr. McKinley is going to
15 conduct the deposition.

16 MR. MCKINLEY: Are you going to introduce
17 yourself for the record?

18 MR. DELEON: Oh, I'm sorry. James M.
19 DeLeon, representing the plaintiff.

20 BY MR. MCKINLEY:

21 Q. What's your name, sir?

22 A. Lieutenant William Righter.

23 Q. Lieutenant. Okay.

24 William?

1 A. Righter, R-I-G-H-T-E-R.

2 Q. Throughout the deposition, I could call
3 you lieutenant?

4 A. Certainly. Yes. If you would like.

5 Q. That would be easier for me.

6 Good morning, Lieutenant.

7 A. Good morning.

8 Q. For the record, just state your full name?

9 A. Lieutenant William Righter, R-I-G-H-T-E-R.

10 Q. What is your current occupation?

11 A. I am currently a police lieutenant
12 assigned to the commissioner's office.

13 Q. How long have you been in that assignment?

14 A. I've been in that assignment approximately
15 two years.

16 Q. Two years.

17 And how would you describe your
18 duties in that office?

19 A. Yeah. So I'm assigned to the office of
20 legal affairs. We respond to subpoenas, legal
21 process, and various special projects as assigned by
22 the police commissioner.

23 Q. What would be defined as a special
24 project?

1 A. Whatever the police commissioner needs.

2 Q. Is the PAL program a special project?

3 A. Not per se.

4 Q. Not per se.

5 And prior to being in the police
6 commissioner office, where did you work?

7 A. I was commanding officer for the criminal
8 records unit.

9 Q. And where was that located?

10 A. Police head quarters, 400 North Broad
11 Street.

12 Q. And what were your duties in that
13 position?

14 A. I oversaw the criminal records unit staff,
15 which is approximately 80 individuals.

16 Q. And by oversaw, what did that entail?

17 A. The coordination, planning, and operation
18 of the criminal records unit.

19 Q. And you were basically supervisor?

20 A. I was commanding officer.

21 Q. Okay. And prior to that, where did you
22 work?

23 A. I was a sergeant in the research and
24 planning unit.

1 Q. Okay. How long did you work there?

2 A. Five years.

3 Q. Five year.

4 And what were the duties there?

5 A. I was policy analyst. I would draft
6 agency policy, research best practices and oversee a
7 staff of four policy writers.

8 Q. What's your educational background?

9 A. I have a master's in law and public
10 policy.

11 Q. Is a commanding officer, is that -- by
12 "commanding officer," are you distinguishing that
13 from being a supervisor? Or is it the same thing?
14 I'm trying to determine. Because I asked you if you
15 were in a supervisor capacity, and you said you were
16 commanding officer.

17 A. Correct. So there's supervisory
18 responsibilities, but overall, you're responsible
19 for the overall operation of a business unit. In
20 this case, criminal records unit.

21 Q. Okay. And you've given depositions
22 before?

23 A. I have.

24 Q. Okay. Many, would you say?

1 A. It's been quite some time.

2 Q. When was the last time you gave one?

3 A. Over five years ago.

4 Q. Five years ago. Okay.

5 A. Mhm.

6 Q. What is your understanding of why you are
7 here today?

8 A. As a representative of the police
9 department.

10 Q. Okay. Is that the extent of your
11 knowledge of why you're here today, representing the
12 police department?

13 A. That is the extent. Mhm.

14 Q. Did you review any documents or speak to
15 anyone in preparation for this deposition?

16 A. Yes.

17 Q. Other than your attorney?

18 A. Correct. I spoke to my attorney, as well
19 as my supervisor to let him know I was coming here
20 and reviewed the complaint.

21 Q. Who designated you to come here today?

22 A. Deputy Commissioner Francis Healy.

23 Q. Francis?

24 A. Healy.

1 Q. And what documents did you review in
2 preparation for this deposition?

3 A. I reviewed the civil complaint, as well
4 as -- well, that's about it.

5 Q. Do you know the plaintiff in this case?

6 A. I do not.

7 Q. Do you know the plaintiff, Evelyn Cintron?

8 A. I do not.

9 Q. Have you met her?

10 A. I have not.

11 Q. So other than what you read in the
12 complaint, is that -- are you saying that all you
13 know about this matter is what you read in the
14 complaint?

15 A. That is correct.

16 Q. Okay. Now, let me ask you this.

17 In your current position, do you
18 write policy?

19 A. Not directly, no.

20 Q. Okay.

21 A. Let me --

22 Q. I'm sorry. Go ahead.

23 A. Yeah. Let me qualify that.

24 So, again, as I said, special

1 project, so if the police commissioner has a special
2 policy or particular policy matter he wants
3 addressed by his staff, then I would be involved in
4 that, but that's not my routine function.

5 Q. Now, you read a lot -- you read policy?

6 A. I do.

7 Q. And are you familiar with City policies,
8 in terms of disciplinary codes, directives governing
9 police officers?

10 A. In a general sense, yes.

11 Q. Okay. And how familiar are you with the
12 PAL program, P-A-L, program?

13 A. I couldn't quantify.

14 Q. Okay. Give me a minute.

15 A. Mhm.

16 Q. So who administers -- what's the
17 relationship between to Police Athletic League and
18 the Philadelphia Police Department?

19 A. When you say, "relationship," what do you
20 mean?

21 Q. Well, how do they interact?

22 A. We have police officers assigned to our
23 PAL, which puts police officers in PAL centers
24 throughout the City.

1 Q. What is the PAL unit?

2 A. It is a business unit within the
3 Philadelphia Police Department.

4 Q. Okay. So it's the business unit within
5 the Philadelphia Police Department.

6 So it is supervised, managed, and
7 controlled by the Philadelphia Police Department?

8 A. The PAL unit or PAL --

9 Q. So the PAL unit?

10 A. The PAL unit, that is correct.

11 Q. Who is responsible for that unit?

12 A. The commanding officer.

13 Q. Who is that?

14 A. It's a captain at this point. Marc
15 Metellus.

16 Q. Marc?

17 A. Metellus.

18 Q. And where would his office be?

19 A. I don't know. PAL headquarters.

20 Q. So have you ever talked to Marc Metellus?

21 A. I have not.

22 Q. What exactly is his title with the PAL
23 unit?

24 A. Commanding officer.

1 Q. Commanding officer.

2 Do you know what his duties are?

3 A. I do not.

4 Q. So if anyone were to discipline an officer
5 that's assigned to the PAL unit, it would be Marc
6 Metellus.

7 Would that be fair to say?

8 A. No.

9 Q. Okay. Who would do that?

10 A. So it depends on to nature of discipline.

11 When you say, "discipline," what are
12 you referring to?

13 Q. So insubordination, for example, if there
14 was -- who would handle that?

15 A. So a commanding officer could request
16 disciplinary charges by the process of filing a
17 memorandum to what's called the PBI, Police Board of
18 Inquiry.

19 Q. So how many police officers are assigned
20 to the PAL unit?

21 A. That, I don't know.

22 Q. Who is the direct supervisor commanding
23 officer over the police officers assigned to the PAL
24 unit?

1 A. Marc Metellus.

2 Q. Marc Metellus.

3 And are the PAL units distributed
4 throughout the City, different locations?

5 A. I understand the police officers are
6 assigned to different PAL centers throughout the
7 City.

8 Q. How many are there?

9 A. I don't know.

10 Q. You don't know a lot of things about the
11 PAL. So you don't know much about the PAL unit.

12 You don't know how many PAL centers
13 there are?

14 A. Correct.

15 Q. Okay. But you've been designated as the
16 corporate designee on this deposition involving an
17 officer that was assigned to the PAL unit, correct?

18 A. Correct.

19 MS. ULAK: At this point, I'm just going
20 to put on the record that this is a 30(b)(6)
21 notice. And I made it very clear that I was
22 producing somebody to speak generally about
23 policies or procedures. You have not designed
24 or requested the commanding officer of the PAL

1 unit.

2 MR. DELEON: We didn't need to. You could
3 do what you did. We didn't ask for a specific
4 and you're not under any type of duty to give a
5 specific.

6 MS. ULAK: Okay.

7 BY MR. MCKINLEY:

8 Q. So what are the duties of the police
9 officers assigned to the PAL unit? Do you know?

10 A. I do not.

11 Q. Okay. And are they governed under a
12 specific code of conduct? Are they governed under
13 the same disciplinary code as any other police
14 officer?

15 A. That is correct.

16 Q. Okay. Have you ever seen any policies,
17 procedures, and handbooks concerning officers
18 assigned to the PAL units, anything specifically
19 about the officers that --

20 A. I'm aware of the existence of that, but I
21 have not seen it or reviewed it.

22 Q. So there exists a policy, procedure manual
23 for officers assigned to the PAL unit?

24 A. There exist a policy and procedure manual

1 today as we speak for the officers assigned to PAL
2 unit.

3 Q. You say, "today."

4 A. Mhm.

5 Q. Is that something you could produce for
6 me? I would ask that you produce it.

7 MS. ULAK: Yeah. The City can produce
8 that.

9 BY MR. MCKINLEY:

10 Q. Okay. And you say it exists today.

11 A. Mhm.

12 Q. Is it something that didn't exist prior to
13 today? You specifically said, "today."

14 A. Right, right. Yeah. It exists under the
15 command of Marc Metellus.

16 Q. Okay.

17 A. I was unable to find any documents that
18 exist prior to Marc Metellus.

19 Q. Okay. And so when -- so when would Marc
20 Metellus command had began then so I can determine
21 --

22 A. Approximately 2023.

23 Q. '23?

24 A. Mhm. And that is an incredibly rough

1 estimate.

2 Q. So it would be fair to say that prior to
3 Marc Metellus's command in 2023, there did not exist
4 a specific policy and procedure manual for officers
5 assigned to the PAL unit?

6 A. No. It would be fair to say I was unable
7 to locate any document.

8 Q. Okay. All right. Prior to 2023?

9 A. Correct.

10 Q. Now, other than this policy and procedures
11 manual, are there any other written documents that
12 you're aware of concerning the relationship between
13 the Philadelphia Police Department and the PAL
14 program, other than the -- let me be clear. Let me
15 strike that.

16 The policy and procedures manual that
17 we referred to that was written in 2023, that
18 concerns the command or supervision of Marc Metellus
19 over the police officers, right, assigned to the PAL
20 unit?

21 A. That document, which I do not know
22 exactly -- you said it was authored in 2023. I
23 don't know that it was authored in 2023.

24 Q. You said the first time that you were

1 aware of a document like this in existence was under
2 the Marc Metellus command?

3 A. That is correct.

4 Q. And that was 2023?

5 A. That is correct.

6 Q. Okay. So I want to be clear.

7 A. Yes.

8 Q. You're not aware of any other document
9 concerning the policies and procedures for the PAL
10 unit prior to 2020?

11 A. Correct.

12 Q. You're not aware of it?

13 A. Correct.

14 Q. And you haven't seen one?

15 A. That is correct.

16 Q. This particular policies and procedures
17 manual that you are aware of, my question is: Does
18 it just govern the command or the supervision of the
19 police officers assigned to the unit?

20 A. It does, yes.

21 Q. Okay. Now, are there any manuals or
22 handbooks regarding the employee duties, the duties
23 of the officers assigned to the unit, like, anything
24 that would describe the job functions and duties and

1 responsibilities of officers that are assigned to
2 the PAL unit? Are you aware of any manuals or
3 policies and procedures that exist? Like, you know
4 your duties on your job. I'm pretty sure you could
5 find your particular duties somewhere written down
6 in a handbook.

7 Would that be fair to say?

8 A. No.

9 Q. Do you have a job description?

10 A. I do have a job description.

11 Q. My question is: If you have a job
12 description, is it written down?

13 A. It is.

14 Q. Where would you find it?

15 A. Human resources.

16 Q. Okay. My question is: Where would -- is
17 there a written job description describing what the
18 duties and functions are of the police officers
19 inside the PAL unit?

20 A. So the answer to your question is two
21 parts. First you're asking the duties of police
22 officers.

23 Q. The police officers assigned to the PAL
24 unit.

1 A. Correct. So there's a job description
2 describing the duties and functions of a police
3 officer. Whether there is a job description that is
4 unique to the police officers assigned to the PAL
5 unit, that, I'm not aware of.

6 Q. Okay. So are you saying you're not aware
7 of whether it exists, or there isn't one? That's
8 what I'm asking.

9 A. I'm not aware whether it exists.

10 Q. Okay. So if that job description existed,
11 where would I get it?

12 A. In all likelihood, that would be the SOP
13 manual.

14 Q. The SOP manual --

15 A. The manual we're referring to. The
16 policies and procedures drafted by Marc Metellus.

17 Q. Okay. Did you bring that with you today?

18 A. I did not.

19 Q. Now, you knew you were coming to --

20 MS. ULAK: (Indicating).

21 MR. MCKINLEY: Excuse me?

22 MS. ULAK: Well, go ahead. Ask your
23 questions.

24 BY MR. MCKINLEY:

1 Q. You knew you were coming here regarding a
2 complaint filed by a plaintiff that was filed
3 against the PAL unit.

4 Are you aware what her claims are?

5 A. Correct.

6 Q. You didn't think it was be helpful to get
7 the policy and procedure manual from Marc Metellus
8 for this deposition?

9 MS. ULAK: Objection. Argumentative.

10 THE WITNESS: I did not think the policies
11 and procedures that exist today would be
12 helpful to explain events that occurred during
13 the time period.

14 BY MR. MCKINLEY:

15 Q. Fair enough.

16 Did you talk to Mr. Metellus?

17 A. I did not.

18 Q. Do you know the duties of Ms. Cintron,
19 what her job description was and what her duties
20 were?

21 A. My understanding is Ms. Cintron was a
22 lieutenant. I understand the job duties and
23 descriptions of a lieutenant.

24 Q. Right.

1 A. I do not have an understanding of the job
2 description or duties of a lieutenant specifically
3 assigned to the PAL unit.

4 Q. What would be her job description as a
5 lieutenant that you know of? What would that be?

6 A. Oversee sergeants, oversee subordinate
7 supervisors, sergeants or corporals, and ensure to
8 carry out the mission of the police department in
9 accordance with the rules, regulations, and
10 procedures.

11 Q. Okay. If she functioned in a supervisory
12 capacity, a commanding officer --

13 A. Commanding officer is -- a supervisor a
14 subset of a commanding officer, yes.

15 Q. Okay. If Ms. Cintron, the plaintiff, was
16 assigned to the PAL unit as commanding officer, any
17 officers at the particular -- is she responsible for
18 just the police officers at the unit she's assigned
19 to at the PAL center she's assigned to? Or does she
20 supervise any police officer that's assigned to a
21 PAL unit? Is she a superior over any police officer
22 assigned to the PAL unit?

23 A. She would be a superior over all police
24 officer personnel assigned to the PAL unit, yes.

1 Q. Okay. I got to ask again. If I repeat
2 it, I won't ask it.

3 So you have no idea of what her
4 particular responsibilities were at -- if she's
5 assigned to a PAL unit?

6 A. I do not, no.

7 Q. So let me ask you this.

8 If, as a lieutenant assigned to a PAL
9 facility, would it be reasonable for her to inform
10 people if she had issues concerning the condition of
11 a facility?

12 A. It would be.

13 Q. Okay. And if she thought there was a
14 safety risk, would that be appropriate for her to
15 point out to her superiors?

16 A. It would be.

17 Q. Okay. So in addition to supervising the
18 police officers under her, she also has a duty to
19 the public.

20 Wouldn't that be fair to say?

21 A. That's a very broad statement.

22 When you say, "a duty to the public,"
23 what do you mean by that?

24 Q. Well, a police officer, obviously, is

1 required to protect and serve.

2 A. Sure.

3 Q. That's a standing order, correct?

4 A. It's fair.

5 Q. Fair. So if she felt -- to the citizen,
6 she has a duty to protect and serve them, correct?

7 A. Her, specifically, or as her role as
8 lieutenant?

9 Q. As a police officer.

10 A. Yes. That's correct.

11 Q. Of course.

12 A. Correct.

13 Q. And that would be -- that would, you
14 know -- that would include if she thought a
15 particular facility was unsafe for the public?
16 Wouldn't that be something as a police lieutenant
17 she would address?

18 A. I think that's accurate.

19 Q. And who would she take that concern to?
20 Where would she take that as a lieutenant?

21 A. To her immediate supervisor.

22 Q. Do you know who her -- that would be
23 Mr. Metellus -- it wasn't the Mr. Metellus at that
24 time.

1 Who was --

2 A. So at that time, that position reported to
3 a deputy police commissioner.

4 Q. So do you know who that was?

5 A. I believe it was Deputy Sullivan and
6 Deputy Patterson.

7 Q. And where were they housed? Where were
8 they stationed? Or where was their office?

9 A. Police headquarters.

10 Q. And at the time, the police Headquarters
11 was where?

12 A. 750 Race Street.

13 Q. So by her reporting something like that to
14 the deputy police commissioner, and that would be
15 Sullivan or Patterson, is it fair to say they were
16 responsible for directly supervising her?

17 A. That's correct.

18 Q. Okay. So they would be her supervisors
19 prior to Mr. Metellus, this deputy commissioner
20 Sullivan or Patterson?

21 A. So that is --

22 MS. ULAK: No. It's okay. I think we
23 need to clarify for the record here a little
24 bit. I think we're conflating people.

1 Who do you think -- I'm just going to ask
2 this question.

3 Who are we understanding to be her
4 supervisor?

5 MR. MCKINLEY: That's what I'm asking him.

6 MS. ULAK: Okay. You're naming three
7 different people.

8 MR. MCKINLEY: Well, I'm working off the
9 information he gave me. He can clarify. I'm
10 the one asking -- see. I know who was the
11 direct commanding officer in 2023.

12 MS. ULAK: Mhm.

13 MR. MCKINLEY: But this complaint centers
14 around dates prior to that. I'm trying to
15 determine the supervisory structure at that
16 time.

17 MS. ULAK: Okay. Go ahead.

18 THE WITNESS: Yeah. That's exactly what I
19 was about to address.

20 Let's be clear that every police
21 commissioner reserves the right to establish
22 their own priorities, to include their own
23 organizational chart, if you will. Each police
24 commissioner can adjust where PAL falls in

1 what's referred to as the chain of command at
2 any given time.

3 Thus, the police commissioner at that time
4 could have very well made a different decision
5 than the police commissioner today. And,
6 likewise, a police commissioner ten years ago
7 could have made a different decision.

8 At the time Lieutenant Cintron was in
9 charge, it's my understanding she reported to
10 the deputy commissioner of control, which is
11 Deputy Commissioner Sullivan.

12 BY MR. MCKINLEY:

13 Q. Okay. Is he still with the police
14 department?

15 A. He is not.

16 Q. He retired?

17 A. He is retired, to my understanding.

18 Q. Do you know what year?

19 A. I do not know.

20 Q. Have you ever reviewed any of
21 Ms. Cintron's employment records?

22 A. I have not, no.

23 Q. Okay. And you're aware that this was a
24 complaint filed by Ms. Cintron, right?

1 A. I'm aware of the civil complaint, yes.

2 Q. When did you first review the civil
3 complaint?

4 A. Perhaps two days ago.

5 Q. Two days ago.

6 So the only thing you reviewed, if
7 I'm correct, in preparation for this deposition, was
8 the complaint?

9 A. I'm not sure how to answer that.

10 What are you asking me?

11 Q. So let's be clear.

12 A. Right.

13 Q. I thought you said you reviewed the
14 complaint.

15 A. That's correct.

16 Q. What else did you review, besides the
17 complaint?

18 A. There were no other documents to review.
19 In preparation for this, I did search for documents
20 that existed during Lieutenant Cintron's tenure
21 there, which I was unable to find.

22 Q. So her employment records don't exist?

23 A. Her employment records do exist. Your
24 question was did I review them. I did not review

1 them.

2 Q. Okay. Let me be clear. You said that you
3 searched, and the only thing you found was the
4 complaint?

5 A. I searched for governing documents over
6 the PAL unit during the period concerning. So the
7 policies that I'm referring to today that were
8 written by Marc Metellus, I searched to determine
9 whether there were any policies that existed in our
10 repository relevant to policies and procedures that
11 were in PAL during that particular unit -- excuse
12 me -- during that particular time period, and I was
13 unable to locate any of these.

14 MR. MCKINLEY: And so I'm clear for the
15 record, that current policy for Mr. Metellus
16 will be produced?

17 MS. ULAK: That is outside of the scope of
18 the 30(b)(6) deposition notice, but I will
19 produce it.

20 MR. MCKINLEY: It's pattern, policy, and
21 practice claim. I think it's relevant.

22 MS. ULAK: It's outside of the scope of
23 the 30(b)(6) deposition notice, but I will
24 produce it.

1 BY MR. MCKINLEY:

2 Q. So let me ask you this.

3 There are employment records that
4 would have Ms. Cintron's employment history that
5 exists, correct?

6 A. That is correct.

7 Q. And those employment records would show
8 her start -- you know, the trajectory of her career
9 with the police department, right, from hire to
10 ending?

11 A. That is correct.

12 Q. And it will show her advancement history,
13 correct?

14 A. That is correct.

15 Q. And it would also show her disciplinary
16 record, correct? If she had a disciplinary record,
17 it would show that, it would contain that, right?

18 A. Those are two separate records.

19 Q. Okay. Fair enough.

20 So do you know whether she was
21 disciplined as a lieutenant during her employment in
22 the PAL unit? Do you know?

23 A. I do not, no.

24 Q. And you didn't seek to see whether she

1 was?

2 A. I did not.

3 Q. Okay. You could obtain -- if there is a
4 disciplinary record for Ms. Cintron, you could
5 produce that? You can obtain it, correct?

6 A. That is correct.

7 MS. ULAK: Those records have already been
8 produced in discovery.

9 BY MR. MCKINLEY:

10 Q. And her employment records, that's a
11 separate thing.

12 Have you reviewed them?

13 A. Define what you mean by "employment
14 records."

15 Q. Well, you said the disciplinary records
16 are different.

17 A. Mhm.

18 Q. Employment records would be date of hire,
19 talk about her advancement.

20 A. Sure.

21 Q. Okay. Did you seek to review the records
22 for her employment history?

23 A. I did not.

24 MS. ULAK: And, again, that's outside of

1 the scope of the 30(b)(6) deposition.

2 BY MR. MCKINLEY:

3 Q. Have you reviewed the 30(b)(6) notice?

4 A. I have.

5 Q. Okay. And what was your understanding of
6 what it wanted you to do? What was your -- what --
7 did you comprehend this notice?

8 A. Yes.

9 Q. What was your understanding of what it
10 asked you to produce us?

11 MS. ULAK: I'm just going to put on the
12 record that you've handed my client, I believe,
13 a 30(b)(6) notice that -- directed to the
14 Police Athletic League.

15 I also want to clarify for the record that
16 I believe the one was for the City of
17 Philadelphia head -- no. Never mind. Let me
18 just doublecheck this. Okay. Never mind.

19 Go ahead.

20 BY MR. MCKINLEY:

21 Q. So are you familiar with that, sir?

22 A. I am.

23 Q. Okay. Let's go through the documents it
24 requested you to produce.

1 COURT REPORTER: Do you want this marked
2 as Exhibit A?

3 MR. MCKINLEY: Yes, please.

4 (Exhibit A marked for
5 identification.)

6 MS. ULAK: Actually, I would like to take
7 a moment to review this.

8 Thank you.

9 (Recess taken from 9:19 a.m. to 9:22
10 a.m.)

11 MS. ULAK: I want to put on the record
12 that the deposition notice marked as Exhibit A
13 has not been -- is not the one that was
14 produced to the City of Philadelphia. This is
15 a different deposition notice.

16 MR. DELEON: What do you mean?

17 MS. ULAK: This is not the dep notice that
18 the City of Philadelphia received.

19 MR. DELEON: That's the last one I sent.

20 MS. ULAK: When did you send it?

21 MR. DELEON: I sent it when I sent to
22 everybody. I mean, I can pull it up to, if you
23 need me to.

24 MS. ULAK: No. I mean...

1 MR. DELEON: I sent it the same time when
2 I did it for everybody.

3 MS. ULAK: On November 3rd.

4 MR. DELEON: I don't know if it's
5 November 3rd. I have to look it up, if it's an
6 issue.

7 MS. ULAK: In the deposition notice I
8 received on November potentially 3rd was
9 erroneous because it was a copy and paste from
10 PAL. I never received another one after that.
11 I went off of one that had 17 points on it, not
12 23.

13 BY MR. MCKINLEY:

14 Q. Lieutenant.

15 A. Sir.

16 Q. Are you aware that -- you heard your
17 counsel mention discovery.

18 You heard the word "discovery"? She
19 said things were produced in discovery.

20 A. I have, yes.

21 Q. Do you know what discovery is?

22 A. Yes.

23 Q. Okay. For the record, please explain your
24 understanding. Discovery is what?

1 A. Understanding the -- gathering information
2 and facts related to the matter.

3 Q. Okay. And you know that that includes
4 documents that would have been produced by the City?

5 A. At -- through a subpoena, yes.

6 Q. Exactly. Okay.

7 Are you aware that the plaintiff in
8 this case filed a claim against the PAL unit, filed
9 a claim alleging discrimination?

10 A. Against the PAL unit or against -- what
11 are you asking?

12 Q. Are you aware that she filed a claim
13 alleging that she was retaliated against and
14 discriminated? Are you aware of that? Evelyn
15 Cintron? You saw the nature of the complaint?

16 A. I did, yes.

17 Q. And you haven't reviewed any documents
18 that she submitted pursuant to that claim?

19 A. Any documents she submitted?

20 Q. Yeah. That she filed.

21 A. I have not, no.

22 Q. Okay. Now --

23 MR. MCKINLEY: Counsel, these are
24 documents that I've been told were produced by

1 the City.

2 MS. ULAK: That's correct. Yes.

3 MR. MCKINLEY: Okay.

4 MS. ULAK: I think you have accidentally
5 produced something that's your personal notes.

6 MR. MCKINLEY: All right.

7 MS. ULAK: Okay. Yep.

8 BY MR. MCKINLEY:

9 Q. All right. So I'm going to show you a
10 document, Lieutenant, that we received in discovery
11 from City attorneys. This is the second page.

12 MS. ULAK: I'm just going to take a look
13 at this.

14 So I'm just going to put on the record,
15 you've handed Lieutenant Righter a document
16 marked City 152 and City 155. So I would
17 object to the characterization that it's the
18 second page.

19 MR. MCKINLEY: I don't disagree with your
20 characterization.

21 BY MR. MCKINLEY:

22 Q. Lieutenant, take a review of that.

23 (Exhibit B marked for
24 identification.)

1 THE WITNESS: Okay.

2 BY MR. MCKINLEY:

3 Q. Are you familiar with that document or
4 that form?

5 A. I am not.

6 Q. Okay. Have you ever seen anything like
7 that before?

8 A. In what context?

9 Q. In the context of your employment. You've
10 worked in policy.

11 A. I have never seen this specific, detailed
12 analysis or question and answer in my tenure as a
13 police officer.

14 Q. Okay. Have you ever had access to any
15 files that were generated in internal affairs?

16 A. Yes.

17 Q. Okay. And are you aware that there may be
18 an internal affairs filing concerning Ms. Cintron?

19 A. Yes.

20 Q. Okay. And you didn't review it in
21 preparation of this deposition?

22 A. No.

23 Q. Okay. Did you -- you haven't had a chance
24 to review the documents produced by the City in this

1 case? The discovery documents, you haven't reviewed
2 them in preparation for the deposition?

3 A. No. So I -- nope.

4 Q. Showing you another document. Mark it C.

5 (Exhibit C marked for
6 identification.)

7 MR. MCKINLEY: Counsel, you saw the
8 documents?

9 MR. DELEON: What's the Bates number on
10 that, Sharon?

11 MS. ULAK: City 156.

12 (Exhibit C marked for
13 identification.)

14 BY MR. MCKINLEY:

15 Q. Have you ever seen a form like this
16 before?

17 A. This specific form I have not seen.

18 Q. Okay. But you have reviewed internal
19 affairs files?

20 A. I have.

21 Q. And you've never seen this in an internal
22 affairs file?

23 A. I have no independent recollection of
24 seeing this --

1 Q. Not the particular pertaining to
2 Ms. Cintron, but just this particular form.

3 A. Excuse me one second.

4 This looks like a form that would be
5 used by the EEO officer of internal affairs. Yes.

6 Q. And why would the EEO officer use this
7 form?

8 A. To inform the statement giver that this is
9 an ongoing investigation being conducted by internal
10 affairs, and they are ordered not to disclose any
11 information discussed.

12 Q. You say, "EEO."

13 Do you have an understanding of what
14 that stands for?

15 A. Equal employment opportunity.

16 Q. Okay. So from looking at that form, you
17 would conclude that this then concerns the interview
18 that was given pursuant to an EEO complaint,
19 correct?

20 A. No. I -- I'll need to correct that.

21 Q. Please.

22 A. So this is regarding an investigation
23 being conducted by internal affairs. Generally, an
24 EEO is a subset of what may be conducted by internal

1 affairs. But there is also a broad range of
2 investigations. This looks like an investigation
3 being conducted by internal affairs, not
4 specifically EEO.

5 Q. So if Ms. Cintron filed a complaint
6 against a commanding officer, internal affairs would
7 address that, correct?

8 A. They could.

9 Q. They could?

10 A. If she filed a complaint with them, yes.

11 Q. Okay. So would that indicate that she's
12 filed a complaint with them? That form would
13 indicate that, right?

14 A. No.

15 Q. Okay. So what does it indicate to you?

16 A. That there is an ongoing investigation
17 being conducted by internal affairs.

18 Q. Mhm.

19 A. And that the individual who signed this,
20 who appears to be Evelyn Cintron, is being ordered
21 by the commanding officer of internal affairs not to
22 disclose information discussed in this
23 investigation.

24 Q. All right. But let me ask you this.

1 A. Mhm.

2 Q. It would be fair to conclude that she at
3 least gave a statement to internal affairs?

4 A. It would be fair to conclude that this
5 says a statement was concluded.

6 Q. And it is correct, it would have been
7 taken by an EEO officer, correct?

8 A. No.

9 Q. Okay. So make me -- I'm confused now.
10 You said this would be -- you
11 referenced EEO in relation to this.

12 A. But I corrected myself to say that this is
13 an internal affairs, generally, which could include
14 EEO, but it could include a whole host of things.

15 Q. Understand. Okay.

16 This is Philadelphia Police
17 Department Directive 8.7 concerning employment
18 discrimination, equal opportunity. I'm handing it.

19 (Exhibit D marked for
20 identification.)

21 MR. GOLDEN: Sharon, can you let me know
22 the Bates range?

23 MS. ULAK: It's number City680 through
24 City691.

1 MR. GOLDEN: Thanks.

2 BY MR. MCKINLEY:

3 Q. Now, Lieutenant Righter, you're familiar
4 with this directive?

5 A. In a general sense, yes.

6 Q. Okay. So let's turn to page 3, the
7 Definition section. It starts on page 2, the
8 definitions.

9 A. I see definitions.

10 Q. Okay. So you see the page 3 where
11 Retaliation is defined?

12 A. Letter D, Retaliation.

13 Q. Okay.

14 A. I do see that.

15 Q. And were you familiar with the definition
16 of what retaliation is under this directive, prior
17 to being here today?

18 A. I have a general sense of retaliation. As
19 to what's specifically codified here, I can't say
20 that.

21 Q. You want to tell me the general sense of
22 what retaliation would be?

23 A. Sure. Taking an action in retaliation for
24 or in retribution for a protected action.

1 Q. You said "a protected action"?

2 A. Mhm.

3 Q. What's a protected action?

4 A. I'll strike that. I didn't mean to say,
5 "a protected action."

6 In response to an action is my
7 understanding of what retaliation is.

8 Q. So if the plaintiff in this case filed a
9 complaint about a commanding officer and was
10 subsequently disciplined for anything and she
11 thought it was based on retaliation, she would be
12 able to use this directive to bring a complaint,
13 wouldn't that be fair to say?

14 A. Repeat that.

15 MS. ULAK: I'm just going to object to the
16 extent that the question calls for a legal
17 conclusion, but you can answer.

18 MR. MCKINLEY: I got you. I'll rework it.

19 BY MR. MCKINLEY:

20 Q. If an employee felt that they were being
21 retaliated against for filing a complaint against a
22 commanding officer, this would be the directive that
23 they would utilize to bring the complaint, correct?

24 A. I don't know that I understand what you're

1 asking. I don't know that anyone needs a directive
2 to bring a complaint. Qualify what you're asking,
3 please.

4 Q. So a police officer, right, is governed by
5 these directives?

6 A. Correct.

7 Q. Okay. And if they felt that they were the
8 victim of retaliation in violation of equal
9 employment laws, there's a process to file that
10 complaint within the department, correct?

11 A. There is.

12 Q. Tell me that process.

13 A. That process, you could file a complaint
14 either directly through internal affairs. You could
15 file a complaint through your immediate supervisor.
16 You could file a complaint through the City's EEO
17 process, not just the police department.

18 Q. Sure.

19 A. You could file a complaint with the human
20 relations commission, or the Federal EEOC. There's
21 multiple avenues to file a complaint.

22 Q. Okay. And if someone files it with
23 internal affairs, would this directive govern that?

24 A. Again, I'm trying to figure out what

1 you're asking.

2 What do you mean, "Would this govern
3 that?"?

4 Q. Are you aware of any policy manuals
5 concerning how internal affairs handles EEO
6 complaints brought to them? Do you have specific
7 policy manuals and directives concerning when these
8 complaints sent for retaliation would be brought to
9 them? Do they have their own specific policy
10 manuals concerning that?

11 A. Internal affairs does has standard
12 operating procedures that govern various types of
13 complaints, and EEO is one of them, yes.

14 MR. MCKINLEY: Okay. And that is a
15 document that can be produced, Counsel?

16 MS. ULAK: Yeah.

17 BY MR. MCKINLEY:

18 Q. If Ms. Cintron, or the plaintiff in this
19 case, filed an EEO complaint with internal affairs,
20 that would be governed by their internal -- not
21 saying exclusively, but they would use their
22 particular policies and procedures that you're aware
23 of to address? That would, at least, be the process
24 that they would use their manual?

1 A. Yes.

2 Q. Okay. So prior to coming here today,
3 Lieutenant, I -- and I may have asked this, but you
4 didn't -- were you aware as to whether Ms. Cintron
5 filed a complaint with internal affairs? Were you
6 aware of that?

7 MS. ULAK: I'm going to --

8 BY MR. MCKINLEY:

9 Q. Did you know whether she did or not? Is
10 what I'm asking. I'm not saying if it existed. Did
11 you know whether it existed?

12 A. Yes.

13 Q. So you did know she brought an internal
14 affairs complaint?

15 A. No. I knew there was internal affairs
16 involvement with Ms. Cintron. Whether it was a
17 complaint brought by Ms. Cintron or whether it was
18 an unrelated investigation, that, I do not know.

19 Q. Oh, okay. I will be clear.

20 You knew that there was an internal
21 affairs complaint brought by Ms. Cintron?

22 A. No.

23 Q. You knew there was an internal affairs
24 filed?

1 A. Yes.

2 Q. Okay. And what it was related to, you did
3 not know?

4 A. Correct.

5 Q. Is it possible it could have been related
6 to a complaint she brought in internal affairs?

7 MS. ULAK: Objection. Calls for
8 speculation.

9 You can answer, if you know the answer.

10 THE WITNESS: Is it possible? I mean...

11 BY MR. MCKINLEY:

12 Q. No, no, no. I'll ask you a better
13 question. Strike that.

14 A. Fair enough.

15 Q. If Ms. Cintron filed an internal affairs
16 complaint, they would have a file?

17 A. That is correct.

18 Q. Okay. And you did not review
19 Ms. Cintron's internal affairs file?

20 A. No.

21 Q. Okay. So is that something that could be
22 produced? If you wanted to review it, you could
23 actually get it and review it, right?

24 A. I could.

1 MR. MCKINLEY: Okay. And that's something
2 you could produce, Counsel?

3 MS. ULAK: The City of Philadelphia has
4 provided the entirety of an internal affairs
5 investigation related to Evelyn Cintron.

6 MR. MCKINLEY: Okay. Fair enough.

7 Excuse me. I'm wrapping up soon.

8 MS. ULAK: Okay. Very good.

9 BY MR. MCKINLEY:

10 Q. You may have answered this, but I want to
11 clarify.

12 In your preparation for today, you
13 weren't aware there was an EEO complaint filed with
14 internal affairs related the basis of this
15 complaint. You reviewed the complaint.

16 Are you saying you weren't aware
17 whether there was an EEO complaint that was filed
18 with the internal?

19 MS. ULAK: That was related to the basis
20 of this civil action complaint?

21 MR. MCKINLEY: Right.

22 THE WITNESS: One more time, please.

23 BY MR. MCKINLEY:

24 Q. Okay. You read the complaint.

1 A. I did.

2 Q. Okay. And if I understand your testimony
3 correctly, are you saying that you were not aware as
4 to whether the basis of this complaint, okay,
5 related to a complaint that Ms. Cintron filed with
6 internal affairs that there was a relation between
7 the compliant and any complaint that Ms. Cintron had
8 filed with internal affairs?

9 A. So I think this is where things are
10 getting confused. So when you say, "complaint,"
11 you're referring to the civil complaint, right?

12 Q. Right. You reviewed the civil complaint.

13 A. Reviewed the civil complaint.

14 Q. Right. Now when I go to file with
15 internal affairs, I'm talking about their complaint
16 process which we discussed when we discussed the
17 directive.

18 A. Right.

19 Q. So are you aware of whether she had
20 actually filed a complaint with internal affairs
21 that related to the basis of the complaint she
22 now --

23 A. No.

24 Q. Okay. All right. I'm going to hand you

1 --

2 MR. MCKINLEY: Counsel, you produced
3 these, right? One is thicker than the other.

4 Do you know why that --

5 MS. ULAK: I would assume --

6 MR. MCKINLEY: I don't -- I want to put
7 the one that's complete in, but I don't want to
8 --

9 MS. ULAK: I want to be clear that you
10 have not put in the complete internal affairs
11 investigation. You have handed my client pages
12 and excerpts from the internal affairs
13 investigation --

14 MR. MCKINLEY: Okay. I never said I'm
15 putting in the complete file. I'm putting in
16 what I'm putting in.

17 MS. ULAK: Okay. And I'm allowed to
18 clarify for the record what you have handed my
19 client.

20 MR. MCKINLEY: Right.

21 MS. ULAK: There is more pages of the
22 internal affairs investigation than that.
23 That's why this one is thicker.

24 MR. MCKINLEY: For the record, I think

1 we're identifying everything that's coming in.
2 I'm not saying, "This is the complete file."

3 MS. ULAK: Okay.

4 MR. MCKINLEY: I thought we marked
5 everything, right?

6 MS. ULAK: Well, we'll marking them, yeah.
7 I don't know that we're explaining what they
8 are.

9 MR. MCKINLEY: Is anybody contesting these
10 are not contents that came in internal affairs?
11 Is that something being disputed on somebody --

12 MS. ULAK: No. I certainly didn't say
13 that. I'm just saying that you are handing
14 snippets.

15 MR. MCKINLEY: Contents that were
16 contained in an internal affair file.

17 MR. GOLDEN: Just for the record, I have
18 not seen what's being shared with the witness,
19 so I reserve all rights as it relates to the
20 admissibility and authenticity of those
21 documents. He's free to ask whatever questions
22 he wants.

23 MR. MCKINLEY: You're counsel for the
24 City?

1 MR. GOLDEN: I'm counsel for PAL.

2 MR. MCKINLEY: Okay. Fair enough.

3 Are you aware of the discovery that was
4 produced by the City?

5 MR. GOLDEN: Yes.

6 MR. MCKINLEY: You haven't seen it?

7 MR. GOLDEN: I've seen it. I'm saying you
8 haven't provide me a copy, so I don't know what
9 you're showing. For the record, I don't know
10 what it is.

11 MR. MCKINLEY: Prior to you saying
12 something, I actually didn't know who you were.

13 MR. GOLDEN: Well, nice to meet you.

14 MR. MCKINLEY: Likewise. I think I'll
15 wrap it up soon.

16 BY MR. MCKINLEY:

17 Q. I'm going to show you -- let me look at
18 this right quick.

19 Sir, you have reviewed internal
20 affair files in your capacity as a lieutenant?

21 A. Yes. That's correct.

22 Q. And you have reviewed complaints that were
23 filed by police officers?

24 A. That is correct. Yes.

1 Q. Okay. All right. I.

2 I'm going to show you -- let's mark
3 this.

4 COURT REPORTER: E.

5 (Exhibit E marked for
6 identification.)

7 BY MR. MCKINLEY:

8 Q. So I'm showing you a document marked as
9 Plaintiff's Exhibit E here.

10 My first question is: Are you
11 familiar with -- not the specific content, but are
12 you familiar with this document in terms of the --
13 seeing something like this before?

14 A. Yes. This appears to be a -- yes, I have.

15 Q. And from looking at that document -- and
16 take your time and look at it.

17 Can you determine whether Ms. Cintron
18 filed a complaint with internal affairs?

19 A. Your question one more time.

20 Q. From reviewing this document -- you've
21 seen anonymous complaints, or you've seen this
22 document, not this particular one pertaining to
23 Ms. Cintron, but you have seen complaints that were
24 filed with internal affairs by police officers?

1 A. Correct.

2 Q. Would that be a standard document in the
3 department, what you're holding?

4 A. This would be the findings memorandum
5 issued by internal affairs as a result of an
6 internal affairs investigation.

7 Q. Okay. And so from reviewing that, who
8 filed this complaint? Can you determine who filed
9 no complaint from reviewing this document?

10 A. I cannot, no.

11 Q. Okay. But -- you cannot, or you don't
12 know how? I mean, you have reviewed these before?
13 You're a lieutenant.

14 A. Yes.

15 Q. And you've written policy.

16 You can't determine who filed a
17 complaint, pursuant to this?

18 A. So this was -- it looks like an anonymous
19 letter was received by the office of the police
20 commissioner. So without seeing the anonymous
21 letter, no. And even with seeing an anonymous
22 letter, I think that's the quintessential.

23 Q. All right. Let's go to Section D,
24 Documents.

1 Do you see the documents identified
2 there?

3 A. Mhm.

4 Q. Wouldn't it be fair to say that almost
5 every document reference pertains to Evelyn Cintron?

6 MS. ULAK: I would object on the basis of
7 the question.

8 But you can answer.

9 THE WITNESS: Your question is what?

10 BY MR. MCKINLEY:

11 Q. So from looking at this document, are you
12 able to determine who this anonymous complaint was
13 made by? You can't determine that from reviewing
14 that?

15 A. Who it was made by? No.

16 Q. Who is the anonymous complaint from? You
17 can't determine which police officer concerns --

18 MS. ULAK: Objection. Asked and answered.

19 MR. MCKINLEY: I didn't get it -- I'm
20 asking if he's saying, "no." If he's saying,
21 "no," we'll move on.

22 THE WITNESS: So if I understand your
23 question, you're asking me, am I able -- based
24 on this document you've produced, am I able to

1 tell who the complaining individual is?

2 BY MR. MCKINLEY:

3 Q. Right.

4 A. I cannot.

5 Q. Okay. Fair enough.

6 Now, you mentioned in 20 -- prior to
7 2023, the immediate supervisors or commanding
8 officers for Ms. Cintron would be, I think you said,
9 Deputy Police Commissioner Sullivan or Patterson --
10 and Patterson, right?

11 A. Deputy Sullivan.

12 Q. Okay. You said, "Patterson," too.

13 A. Patterson, at one point, may have been --
14 Deputy Patterson was overtop of Deputy Sullivan.
15 That's where Deputy Patterson comes from.

16 Q. Sullivan retired?

17 A. Sullivan retired.

18 Q. You don't know the year?

19 A. I do not.

20 Q. Patterson is still with the police
21 department?

22 A. He is not.

23 Q. He retired?

24 A. He is retired.

1 Q. You don't know when they retired?

2 A. I don't.

3 Q. How do you know they retired? I'm just
4 wondering how you know.

5 A. Because I work on the police
6 commissioner's floor, and they're not there.

7 Q. I know it seems like a silly question, but
8 I need to figure out why you can't tell me when they
9 retired. Let's figure it out.

10 A. Sure.

11 Q. Marc Metellus wrote these procedures as
12 the commanding officer in 2023, correct?

13 A. Captain Metellus is the commanding
14 officer. He became the commanding officer in
15 approximately 2023. And that is when the currently
16 policies and procedures, the SOPs came into
17 existence.

18 Q. Right. And those SOPs that he wrote
19 pertains to the police officers that assigned to the
20 PAL unit, he actually has policies and procedures he
21 wrote, correct?

22 A. I do not know who the actual author is,
23 but they were written under his command.

24 Q. Under his command?

1 A. Yes.

2 Q. Fair enough.

3 So around 2020, in 2020, Deputy
4 Police Commissioners Sullivan and Patterson, they
5 were still employed with the City, correct, in 2020?

6 A. I couldn't answer that. I don't know.

7 Q. Okay. So we got to answer it because the
8 complaint pertains to things that occurred in 2018
9 and 2019. I asked you who were the immediate
10 supervisors over Ms. Cintron.

11 A. Mhm.

12 Q. And you say Deputy Police Commissioner
13 Sullivan and Patterson. But you say they
14 subsequently retired.

15 A. Correct.

16 Q. You said they retire.

17 A. Yeah.

18 Q. So I'm trying to do a window of -- a
19 window between 2023, Commanding Metellus, you know,
20 when he wrote these policies and procedures was
21 2023, or when it was on his command. So somewhere
22 between the events in this complaint and Captain
23 Metellus's command, we have Deputy Sullivan and
24 Patterson?

1 A. We do.

2 Q. So that's a three-year period.

3 So would it be fair to say they
4 retired between, maybe, 2019 and 2023? Somebody
5 supervised Ms. Cintron prior to Mr. Metellus taking
6 this command.

7 A. Absolutely.

8 Q. And you said Sullivan and Patterson
9 retired.

10 You don't know when?

11 A. I do not know.

12 Q. Who took over their positions?

13 A. So -- boy.

14 MS. ULAK: I'm going to object on the
15 relevance here.

16 MR. MCKINLEY: Well, I want to know -- I'm
17 going to tell you what I want to know.

18 I want to know what were the policies and
19 practices of the supervising police officers in
20 the PAL unit at the relevant times, and he
21 identified the immediate people that would be
22 responsible for implementing it would be
23 Sullivan and Patterson. They said he was their
24 direct -- they were overtop of -- that's who

1 she would report to. I'm trying to
2 determine -- they retired. Okay? I'm trying
3 to determine when they retired so I could talk
4 to the person, get a deposition of
5 Ms. Cintron's immediate supervisor.

6 MS. ULAK: Mr. Sullivan has already been
7 deposed in this matter.

8 BY MR. MCKINLEY:

9 Q. Okay. And Patterson, we don't know
10 when --

11 A. I don't.

12 Q. Okay. Who is in this position now?

13 A. Today?

14 Q. No. Who was in this position subsequent
15 to their retirement? Do you know? Somebody took
16 their positions when they retired.

17 A. So Deputy Sullivan was the deputy of
18 patrol.

19 Q. Right.

20 A. As we sit here today, the deputy patrol is
21 Deputy Cram. Deputy Patterson was the first deputy.
22 As we sit here today, the first deputy is Deputy
23 Stanford.

24 Q. Stanford.

1 Do you know when he got his position?

2 A. Under Police Commissioner Outlaw is when
3 he assumed that position.

4 Q. What year would that be? I don't know the
5 year. You're in the department. You don't know the
6 year?

7 A. No. So approximately 2020, perhaps.

8 Q. Okay. So we know following Deputy PCs
9 Sullivan and Patterson, there's a Stanford there.

10 Anybody else?

11 A. Not that I recall. I'd have to research.

12 Q. I think I'm about done. Let me just talk
13 with Mr. DeLeon.

14 (Recess taken from 10:00 a.m. to
15 10:03 a.m.)

16 BY MR. MCKINLEY:

17 Q. Sir, Lieutenant, from looking at the
18 documents you were provided, let's go to Exhibit C,
19 you would agree with me that that indicates that
20 Lieutenant Cintron gave a statement?

21 MS. ULAK: Objection. Asked and answered.

22 You can answer again.

23 THE WITNESS: Based on this document,
24 Lieutenant Cintron gave a statement that

1 concluded at 1:04 and consisted of three pages.

2 BY MR. MCKINLEY:

3 Q. Okay. Now -- and you were given something
4 that has been marked as Exhibit B?

5 A. Correct.

6 Q. And is it signed by Lieutenant Cintron?

7 A. There's a signature, Lieutenant Evelyn
8 Cintron dated 1/25/2018.

9 Q. Okay. And does it indicate by the
10 signature that this would be Lieutenant Cintron's
11 handwriting?

12 A. I'm not familiar with Lieutenant Cintron's
13 handwriting.

14 Q. Okay. All right. By the signature and
15 given your experience working in the department, did
16 the signature indicate Lieutenant Cintron wrote
17 this, would that suggest that to you from reviewing
18 it?

19 A. I have no reason to not believe that.

20 Q. And this would be part of an internal
21 affairs file, correct? This would be -- if she
22 filed a complaint, this would be part of that
23 complaint, right?

24 A. This specific document?

1 Q. Yes.

2 A. Say your question one more time.

3 Q. Okay. The internal affairs, we have --
4 there's been no dispute that there's an internal
5 affairs file concerning Lieutenant Cintron.

6 A. Correct.

7 Q. And there's no dispute she gave a
8 statement. Well, I think we can see she gave a
9 statement based on what was marked as Exhibit C.

10 A. I do believe that there was a statement
11 concluded at 1:04, consisted of three pages, and it
12 was signed, "Evelyn Cintron."

13 Q. Okay. Now, can you read the handwriting
14 on what's been marked as Exhibit B?

15 A. I can.

16 Q. Okay. You can read it?

17 A. I can.

18 Q. So can you read that into the record for
19 me, please?

20 A. "Q: Is there anything else that you would
21 like to add that has not been addressed in this
22 interview?

23 ANSWER:" in handwriting, "I would
24 like to document that Tedd" -- can't pronounce the

1 last name, Q-U-A-L-L-I -- "has continued to attempt
2 to create situations for which he wants to argue
3 with me and intimidate me. He was subjecting" -- or
4 suggesting. I'm not sure of that word. "He is"
5 something "me along with a few members of this staff
6 to a hostile work environment. Friday, he came" --
7 I'm not sure what that word is -- "he came to my
8 office to yell at me and berate" -- I can't read
9 that either -- "about PAL-related matters in his
10 attempt to have me removed from the unit. I feel
11 that the" -- not sure of that word -- "involving
12 Chase," another last name, "and Officer Clayman is
13 [sic] been used as a platform to drive personal
14 agendas."

15 Q. Okay. And what was that dated, sir?

16 A. The date printed is 1/25/18.

17 Q. Okay.

18 MS. ULAK: And just to be clear, I'm
19 letting it speak for itself. I'm allowing my
20 client read into the record what's been stated,
21 but --

22 BY MR. MCKINLEY:

23 Q. Now let's go to the second page --

24 MS. ULAK: I didn't get to finish my

1 statement.

2 All I'm say asking is I'm allowing my
3 client to read into the record what's been
4 produced in discovery by the City of
5 Philadelphia. My client has no knowledge of
6 this.

7 MR. MCKINLEY: I understand that.

8 BY MR. MCKINLEY:

9 Q. Let's go to the second page, sir.

10 A. Second page of Exhibit B, yes.

11 Q. Right. Now, let's go to -- you see the
12 question here, right here, at the second question
13 from the bottom?

14 A. That begins with Lieutenant Cintron?

15 Q. Right.

16 A. I do.

17 Q. Okay. Can you read that?

18 A. "Q: Lieutenant Cintron, I am issuing you
19 an EEO form and a copy of Directive 8.8 EEO
20 procedures.

21 Do you have any questions related to
22 a filing an EEO complaint?

23 ANSWER: Not at this time."

24 Q. So what would that suggest to you, that

1 language?

2 MS. ULAK: Objection.

3 You can answer.

4 THE WITNESS: What are you asking?

5 BY MR. MCKINLEY:

6 Q. Okay. Based on what you read, would it
7 indicate to you that Lieutenant Cintron is filing an
8 EEO complaint?

9 A. No.

10 Q. Okay. Why wouldn't it?

11 A. It indicates to me that somebody, whoever
12 "I" is, is issuing Lieutenant Cintron a complaint
13 form and asking Lieutenant Cintron whether she has
14 any questions related to filing an EEO complaint, to
15 which Lieutenant Cintron saying she does not have
16 any questions at this time.

17 Q. Okay. Let's go to the top question.

18 Can you read that for me, please?

19 A. "QUESTION: Following your interview on
20 1/23/18, did you inform the assigned investigator,
21 Sergeant Conway, that you would provide
22 documentation related to information you provided
23 during your interview and copies of pictures you
24 took inside PAL headquarters?

1 ANSWER: Yes."

2 Q. So you don't know whether, based on your
3 reeding this, all you know is what it says, that she
4 was issued -- that someone is issuing an EEO
5 complaint form and a copy of the directive to
6 Officer Cintron. They're going to give her this.

7 This is what you agreed with, that
8 that's what it says?

9 A. That they are giving Lieutenant Cintron,
10 yes, that's correct.

11 Q. And you don't know whether they're giving
12 it to her for her to file a complaint on her own
13 behalf or someone else?

14 A. I don't know what the purpose of them
15 giving it to her is.

16 Q. Okay. But it does --

17 A. Based on what it says.

18 Q. You would agree it does involve an EEO
19 complaint, based on what you read?

20 A. Based on the reference to the EEO
21 complaint, yes.

22 Q. Okay. Would this be the type of
23 document -- strike that.

24 I don't have anything else.

1 MR. MCKINLEY: Let me take one minute.

2 (Recess taken from 10:12 a.m. to
3 10:14 a.m.)

4 MR. MCKINLEY: We're finished.

5 MS. ULAK: Do you have any questions?

6 MR. GOLDEN: No questions.

7 MS. ULAK: I just want to put on the
8 record. I want to clarify one thing here.
9 Exhibit B consisting of two pages, which, I
10 believe, are marked City152 and 155, I want to
11 clarify for the record, that at the bottom of
12 City152, the date is 1/25/18. The bottom of
13 City155, the date is 2/9/18. And then at the
14 bottom of what's been marked Exhibit C, the
15 date is 2/9/18.

16 COURT REPORTER: Do you guys need copies?

17 MS. ULAK: I'll take a copy.

18 MR. GOLDEN: I'll take a copy, yes,
19 please.

20 MR. MCKINLEY: (Indicating).

21 (Deposition ended at 10:15 a.m.)
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C E R T I F I C A T I O N

I, Gianna Iaconelli, Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Gianna Iaconelli

Gianna Iaconelli
Court Reporter
and Notary Public



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